



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/646,341

08/22/2003

Brian David Marsh

120137.473

8340

500 7590 08/20/2009

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER

STERRETT, JONATHAN G

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

08/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/646,341	Applicant(s) MARSH ET AL.	
	Examiner JONATHAN G. STERRETT	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-38 and 49-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-38 and 49-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-9-06; 2-9-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office Action is responsive to the election of 1 May 2008. Currently **Claims 11-38 and 49-68** are pending. The examiner notes that the election was made without traverse.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11-38 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In *Re Bilski*; *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory

Art Unit: 3623

process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, **Claim 11** is non-statutory since it may be performed within the human mind. The dependent claims are non-statutory at least for the reasons given above for **Claim 11**.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 59-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claim 59**, the claim cites one or more memories and then cites several components configured to perform method steps. There is no recitation that the components execute from code stored in the memories (i.e. there is no recitation tying to components to the memory(s)).

The examiner interprets the claim to mean that the components cited execute based on computer readable code stored in the memories. The examiner further notes that components by themselves in an apparatus claim, without any language positively reciting them as hardware would be considered software per se components. Software per se lacks tangible embodiment on a computer readable medium and is considered printed matter which is not statutory under 35 USC 101. Thus the examiner recommends tying the components to executing from computer readable code stored in the memories. (Cancelling the memory recitation from the claim would result in the claim warranting a 101 rejection as discussed above). The dependent **claims 60-68** are thus indefinite for the reasons given above for **Claim 59**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 USC. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 11-38 and 49-68** are rejected under 35 USC. 103(a) as being unpatentable over “A social exchange architecture for distributed Web communities” Amrit **Tiwana**, Ashley Bush. Journal of Knowledge Management. Kempston: 2001. Vol. 5, Iss. 3; p. 242 (7 pages), (hereinafter **Tiwana**) in view of “Memory-Based Weighted-Majority Prediction”, J Delgado, N Ishii - ACM SIGIR’99 Workshop on Recommender Systems: Algorithms ..., 1999 – Citeseer (hereinafter **Delgado**)

Regarding **Claim 1**, Tiwana teaches:

11. (Original) A method in a computing device for selecting information to provide to users based on reputations of evaluators of the information, the method comprising:

receiving from a reviewer user a review related to an available item;

page 247 column 2, user's review a particular product (i.e. an item).

receiving evaluations of the review from each of multiple evaluator users, each received evaluation including a quantitative assessment of contents of the review for each of one or more of multiple content rating dimensions available for use in assessing the review,

page 247 column 2, user's review a particular review of an item, based on a two-level feedback scale. Thus the reviews of the review are indicating a level of agreement with the review regarding whether they found them of value.

automatically generating at least one aggregate assessment of the content of the review based at least in part on combining quantitative assessments from the received evaluations for the review,

page 246 column 2, based on the reviewers evaluation of a review, votes of useful and not useful are tallied for a particular user.

Tiwana teaches a recommender system where users rate other reviewers ratings, but does not teach; however Delgado teaches:

each of the evaluator users having an existing reputation weight based at least in part on previous evaluations;

page 1 column 2 bottom para, weights are used for users based on past performance. These weights are generated based on how closely the reviewer's performance matches the majority.

at least one of the generated aggregate assessments being further based on the reputation weights of the evaluator users in such a manner that a first quantitative assessment from a first evaluator user with a first reputation weight has a different impact on that generated aggregate assessment than that first quantitative assessment from a distinct second evaluator user with a distinct second reputation weight;

page 2 column 2 equation 2.2., each user has a calculated prediction (i.e. a review or item j) based on an a weight that is unique for that user ($w_{a,i}$). These weights depend on the past performance of the reviewers in the past, thus they are different weights.

automatically updating the reputation weights for each of one or more of the evaluator users based on a relationship of the quantitative assessments from the evaluation of that evaluator user to the quantitative assessments from the evaluations of other of the evaluator users; and

page 2 column 2, weights for a user are based and updated from a comparison with the votes of the other users (i.e. to what degree the vote from an individual user

Art Unit: 3623

agrees with the other users is used to determine that user's weight – thus if a user deviates from the consensus repeatedly, then their review or vote is weighted low. Conversely, if a user's review consistently agrees with the majority, then their weight is determined to be high).

determining whether to provide the review to another user based at least in part on one or more of the automatically generated aggregate assessments for the content of the review.

Page 3 section 3.3, Delgado teaches that a user may deviate from the population to such a degree that the review or rating is considered a mistake. This concept as applied to an individual review suggests that the review is beyond bounds and thus is not valuable to present (see also page 2 column 2 bottom, dissimilar tastes as measured by an opposite rating suggests not presenting the review).

Tiwana and Delgado both address the use of approaches to track and recommend items to a user, thus they both are analogous art. Tiwana teaches rating items in an online community where a user becomes a top participant based on their feedback of other items. Delgado shows what is known in the art regarding various populations rating items (i.e. reviewing them) in an online context and how those ratings may be processed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tiwana to include the teachings of Delgado, because it would have provided a predictable result in using the weighted approach

taught by Delgado in the online evaluation system of Tiwana. The combination is predictable and does not destroy either the teachings of Tiwana or Delgado.

Regarding **Claim 12**, Tiwana teaches:

12. (Original) The method of claim 11 including, before the automatic updating of the reputation weights of the one or more evaluator users, determining whether the received evaluations satisfy an evaluator reputation calculation threshold, and wherein the automatic updating of the reputation weights of the one or more evaluator users is performed only when it is determined that the received evaluations satisfy the evaluator reputation calculation threshold

Page 247 column 2, evaluations for a user are counted as “useful”, i.e. using a threshold to determine when the votes are counted (versus useless ratings of a user’s reviews).

Regarding **Claim 13**, Tiwana teaches:

13. (Original) The method of claim 12 wherein the evaluator reputation calculation threshold is based at least in part on a minimum degree of consensus existing among the received evaluations, and wherein the determining includes automatically calculating the existing degree of consensus among the received evaluations.

Page 247 column 2, the minimum degree of consensus is based on a useful or useless rating.

Regarding **Claim 14**, Tiwana teaches measuring a user's ratings to that of a group as per the average group and average member contributions (page 245 column 2). Tiwana does not teach, but Delgado teaches::

14. (Original) The method of claim 11 wherein the relationship of the quantitative assessments from the evaluation of an evaluator user to the quantitative assessments from the evaluations of other of the evaluator users that is used when automatically updating the reputation weight for that evaluator user is based on a degree of agreement between the quantitative assessments from the evaluation of the evaluator user and quantitative assessments from a consensus evaluation for the received evaluations.

page 2 column 2, weights are updated based on how the quantitative assessment of a user agrees with that of the majority (i.e. a consensus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tiwana to include the teachings of Delgado, because it would have provided a predictable result in using the weighted approach taught by Delgado in the online evaluation system of Tiwana. The combination is predictable and does not destroy either the teachings of Tiwana or Delgado.

Regarding **Claim 15**, Tiwana does not teach, but Delgado teaches:

15. (Original) The method of claim 11 wherein the reputation weights of the evaluator users that are used in the automatic generating of the aggregate assessments of the content of the review were automatically generated based on the previous evaluations by those evaluator users.

Page 3 column 1 top para, weights are updated based on the ratings (i.e. predictions) of users – this is based on the degree that those ratings agree with the consensus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tiwana to include the teachings of Delgado, because it would have provided a predictable result in using the weighted approach taught by Delgado in the online evaluation system of Tiwana. The combination is predictable and does not destroy either the teachings of Tiwana or Delgado.

Regarding **Claim 16**, Tiwana teaches user's rating another user's rating and does not teach, but Delgado teaches:

16. (Original) The method of claim 11 including, after the receiving of the evaluations from the evaluator users, for each of at least some of the evaluations receiving one or more ratings of the evaluation from users other than the evaluator user that provided the evaluation, and automatically modifying the

Art Unit: 3623

reputation weights for evaluator users whose evaluations received ratings based at least in part on those ratings.

Page 2 column 2, Delgado teaches that all the users in a population who provide an evaluation or rating have their weights updated based on the similarity (mathematical similarity) of that rating with the majority.

Regarding **Claim 17**, Tiwana teaches:

17. (Original) The method of claim 11 including, after the automatic updating of the reputation weights of the one or more evaluator users, receiving an indication that the content is no longer in use for determining reputation weights of the evaluator users, and automatically updating the reputation weights for each of those evaluator users to remove influence based on the relationship of the quantitative assessments from the evaluation of that evaluator user to the quantitative assessments from the evaluations of other of the evaluator users.

Page 245 column 2, based on the time selected (ratings of contributions per week or month) suggests that ratings provided by individual users have a time element – furthermore Tiwana teaches the ratings of users over time – see page 244 column 2).

This suggests the modification of Delgado's weight calculations be based on a view that takes into account time periods (i.e. weekly or monthly as suggested by Tiwana).

Regarding **Claim 18**, Tiwana does not teach but Delgado teaches:

18. (Original) The method of claim 11 wherein the automatic generating of the aggregate assessments of the content of the review is further based in part on an existing reputation weight of the reviewer user from which the review was received.

Page 2 column 2, assessments of a review are based on the weights of individual reviewer users

Regarding **Claim 19**, Tiwana does not teach but Delgado teaches:

19. (Original) The method of claim 18 wherein the reputation weight of the reviewer user is based on a degree of consistency between one or more of the automatically generated aggregate assessments of the content of the review and automatically generated aggregate assessments of the content of previous reviews received from the reviewer user.

Page 2 column 2, the weights for a reviewer users is based on similarity (i.e. a degree of consistency) of that reviewer's historical reviews.

Regarding **Claim 20**, Tiwana teaches:

20. (Original) The method of claim 11 including automatically updating a reputation weight of the reviewer user from which the review was received based

at least in part on one or more of the automatically generated aggregate assessments of the content of the review.

Page 2 column 2, Delgado teaches that all the users in a population who provide an evaluation or rating have their weights updated based on the similarity (mathematical similarity) of that rating with the majority. The weights include comparison with the majority for all reviews that have been given.

Regarding **Claim 21**, Tiwana does not teach, but Delgado teaches:

21. (Original) The method of claim 20 including, before the automatic updating of the reputation weight of the reviewer user, determining whether the received evaluations satisfy an author reputation calculation threshold, and wherein the automatic updating of the reputation weight of the reviewer user is performed only when it is determined that the received evaluations satisfy the author reputation calculation threshold.

Page 2 column 2, Since Delgado suggests that negative or positive weights suggests dissimilar or similar tastes (i.e. likes) respectively, this suggests that weights for similar tastes be updated only when the correlation is positive, i.e. the user is rating something that they like in comparison with the population.

Regarding **Claim 22**, Tiwana teaches:

22. (Original) The method of claim 11 including, before the automatic generating of the aggregate assessments of the content of the review, determining whether the received evaluations satisfy a content rating threshold, and wherein the automatic generating of the aggregate assessments of the content of the review is performed only when it is determined that the received evaluations satisfy the content rating threshold.

Page 247 column 2, evaluations for a user are counted as “useful”, i.e. using a threshold to determine when the votes are counted (versus useless ratings of a user’s reviews).

Regarding **Claim 23**, Tiwana teaches:

23. (Currently Amended) The method of claim 22 wherein the content rating threshold is based at least in part on a weighted number of the evaluations received for the review from the evaluator users that is based on the reputation weights of the evaluator users in such a manner that an evaluation from a first evaluator user with a first reputation weight has a different impact on that weighted number of evaluations than an evaluation from a distinct second evaluator user with a distinct second reputation weight.

Tiwana teaches receiving evaluations for a review from various users. These ratings are not weighted. As discussed above, Delgado teaches weighting reviews from

Art Unit: 3623

users based on their past history (i.e. different users have different weights based on their previous weightings).

Regarding **Claim 24**, Tiwana teaches:

24. (Original) The method of claim 11 wherein each of the received evaluations include quantitative assessments of the contents of the review for each of the multiple available content rating dimensions.

Page 247 column 2, evaluations for a user are counted as “useful”, i.e. using a threshold to determine when the votes are counted (versus useless ratings of a user’s reviews). Also see page 247 column 1, a 1 to 5 rating.

Regarding **Claim 25**, Tiwana teaches:

25. (Original) The method of claim 24 including, before the receiving of the evaluations of the review, determining the multiple available content rating dimensions.

page 247 column 1, a 1 to 5 rating

Regarding **Claim 26**, Tiwana teaches:

26. (Original) The method of claim 11 including, before the receiving of the evaluations of the review, soliciting the evaluator users to provide evaluations of

Art Unit: 3623

the review, the solicitations including indications of the multiple available content rating dimensions.

Page 247 column 1, users can rate messages (i.e. are solicited to) according to multiple available rating dimensions (i.e. 1 through 5).

Regarding **Claim 27**, Tiwana teaches:

27. (Original) The method of claim 11 wherein the automatic generating of the aggregate assessments of the content of the review includes generating an aggregate assessment for each of the multiple available content rating dimensions.

Figure 3 shows an aggregate assessment for each of the multiple available content rating (i.e. various stars given).

Regarding **Claim 28**, Tiwana teaches:

28. (Original) The method of claim 27 including automatically generating an overall aggregate assessment of the review based at least in part on the automatically generated aggregate assessments of the content of the review.

Column 247 column 1 para 2, each message (i.e. item) by a user has shown for that item all the ratings by the users in the community.

Regarding **Claim 29**, Tiwana teaches:

29. (Original) The method of claim 11 wherein the automatically generated aggregate assessments of the content of the review are each further based on a sales weighting for each of one or more of the evaluator users, the sales weighting of an evaluator user reflecting an amount of prior sales to that evaluator user.

Page 247 column 2, amazon.com users are rating products that the company has sold (i.e. that they have purchased).

Regarding **Claim 30**, Tiwana teaches:

30. (Original) The method of claim 11 including, after the automatic updating of the reputation weights for the evaluator users, ranking each evaluator user relative to other evaluator users based at least in part on automatically generated evaluator reputation scores of those evaluator users.

Page 247 column 2, rankings of users compared to other users.

Regarding **Claim 31**, Tiwana teaches:

31. (Original) The method of claim 30 wherein the reputation weight for each of the evaluator users is based on a combination of quantity and quality of evaluations provided by that evaluator user,

Page 247 column 2, reputation is based on the useful votes obtained from a total number of ratings.

and including automatically generating a distinct evaluator reputation rating score for each of the evaluator users based solely on the quality of the evaluations provided by that evaluator user, and wherein the evaluator reputation scores used for the ranking are the evaluator reputation rating scores.

Page 247 votes are based on useful ratings by a reviewer

Regarding **Claim 32**, Tiwana teaches:

32. (Original) The method of claim 30 including providing visible feedback to users of the rankings of at least some of the evaluator users.

Page 246 Figure 3.

Regarding **Claim 33**, Tiwana teaches:

33. (Original) The method of claim 11 wherein at least some of the evaluator users each have multiple existing reputation weights that correspond to previous evaluations by those evaluator users of content of different categories, and

Art Unit: 3623

including, before the automatic updating of the reputation weights for the evaluator users, determining a category of the review, and wherein the automatic updating of the reputation weights of evaluator users that have multiple existing reputation weights is performed for an existing reputation weight of that evaluator user for the determined category.

Tiwana teaches a user participating in a particular group (page 245 column 1 - contributions to that group). Tiwana also suggests various groups or web-based communities existing - table 1 on page 244. This suggests a user may participate in several groups on the internet. The participating in several groups suggests that ratings for that group or community will be different. Thus in combination with the rating weighting approach of Delgado teaches that weights would be different based on the participation in the group (i.e. category of review).

Regarding **Claim 34**, Tiwana teaches:

34. (Original) The method of claim 11 wherein at least some of the evaluator users each have multiple existing reputation weights that correspond to different types of activities previously performed by those evaluator users, and wherein the automatic updating of the reputation weights of evaluator users that have multiple existing reputation weights is performed for an existing reputation weight of that evaluator user corresponding to prior review evaluation activities of that evaluator user.

Tiwana teaches a user participating in a particular group (page 245 column 1 - contributions to that group). Tiwana also suggests various groups or web-based communities existing - table 1 on page 244. This suggests a user may participate in several groups on the internet. The participating in several groups suggests that ratings for that group or community will be different. Thus in combination with the rating weighting approach of Delgado teaches that weights would be different based on the participation in the group.

Regarding **Claim 35**, Tiwana teaches:

35. (Original) The method of claim 11 including, after the automatic updating of the reputation weights for the evaluator users, providing indications of the reputation weights for one or more of those evaluator users to one or more third-party computing devices so that they can interact with those evaluator users based on those reputation weights.

Page 246 Figure 4, rating visualizer.

Regarding **Claim 36**, Tiwana teaches:

36. (Original) The method of claim 11 wherein the method is performed by the computing device on behalf of another computing system with whom the

Art Unit: 3623

evaluator users are interacting, the method performed as a service to the another computing system.

Page 247 column 1 para 1, Tiwana teaches the method operating over the web (i.e. as a service to another computing system, i.e. the internet).

Regarding **Claim 37**, Tiwana teaches:

37. (Original) The method of claim 11 including receiving from one or more third- party computing devices information related to the reputations of one or more of the evaluator users, the received information based on interactions of those evaluator users with those third- party computing devices, and automatically updating the reputation weights for each of those evaluator users based on the received information.

Page 247 column 1 para 1, Tiwana teaches the method operating over the web (i.e. through a third party computing device).

Regarding **Claim 38**, Tiwana teaches:

38. (Original) The method of claim 11 wherein the review is information obtained from a blog authored by the reviewer user.

Tiwana teaches information obtained from messages in a community (i.e. items rated). Tiwana does not teach where the review is information obtained from a blog authored by the reviewer user, however the claimed functionality of what is done with

Art Unit: 3623

the data is the same, i.e., the recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ' 2106.

Claims 49-68 recite similar limitations to those addressed by the rejection of claims 11-38 above, and are therefore rejected under the same rationale.

Furthermore regarding **Claim 49**, Tiwana teaches software for performing the method (see page 244 “web based front end” and page 246 Figure 3. Also note Figure 4 on page 246) and regarding **Claim 59**, Tiwana teaches an apparatus for performing the method steps (see Figure 4 page 246, “physical level”).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore US 20040122926 discloses a reputation system for web services.

Gutta US 20040003401 discloses a closeness algorithm for making program recommendations

Zamir US 20030236582 discloses the selection of items based on user reactions.

The weighted majority algorithm- psu.edu [PDF]

N Littlestone, MK Warmuth - Foundations of Computer Science, 1989., 30th Annual ... -
ieeexplore.ieee.org

A Recommender System based on the Immune Network

S Cayzer, U Aickelin -2002, research.hp.com

PolyLens: A recommender system for groups of users

MO'Connor, D Cosley, JA Konstan, J Riedl - Proceedings of the European Conference
on Computer ..., 2001 - cs.umn.edu

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 8-12-09
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623